

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN WADE BURTON,

Defendant.

4:21CR3020

ORDER

Defendant has moved to continue the trial, (Filing No. 44), because Defendant needs additional time to investigate this case and prepare for trial. This case has been pending for 17 months, the court has continued it five times, and it was originally set for trial a year ago. While the motion to continue is unopposed, this case must be resolved. The court will grant the motion one last time. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (Filing No. 44), is granted.
- 2) The trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in Courtroom 1, 100 Centennial Mall North, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on October 11, 2022, or as soon thereafter as the case may be called, for a duration of four (4) trial days. Jury selection will be held at commencement of trial.

No further continuances will be granted.

- 3) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and October 11, 2022, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately

prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 27th day of July, 2022.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge